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Eastern District of Washington
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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF WASHINGTON

9 UNITED STATES OF AMERICA,

10 Plaintiff,
11

12 vs.

VERIFIED COMPLAINT FOR
FORFEITURE *IN REM*

13 FOUR FIREARMS FROM VARIOUS
14 MANUFACTURERS, MAKES,
15 MODELS AND ASSORTED CALIBERS,
16 and 431 ROUNDS OF ASSORTED
AMMUNITION,

17 and

18 \$40,950.00 U.S. CURRENCY,
19

20 Defendants.

21 Plaintiff, United States of America, by its attorneys, Joseph H. Harrington,
22 United States Attorney for the Eastern District of Washington, and Brian M. Donovan,
23 Assistant United States Attorney, brings this Verified Complaint and alleges the
24 following in accordance with Supplemental Rule G(2) of the Federal Rules of Civil
25 Procedure.
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VERIFIED COMPLAINT FOR FORFEITURE *IN REM* 1

I. NATURE OF THE ACTION

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2 1. This is an action to forfeit and condemn to the use and benefit of the
3 United States of America multiple firearms and ammunition seized by the Bureau of
4 Alcohol, Tobacco, Firearms and Explosives (ATF), pursuant to 18 U.S.C. § 924(d)
5 and/or 21 U.S.C. § 881(a)(11), for violations of: 18 U.S.C. 922(g)(1), Felon in
6 Possession of Firearms and Ammunition; 18 U.S.C. § 922(g)(5)(A), Possession of
7 Firearms and Ammunition by an Alien Illegally or Unlawfully Present in the United
8 States; 18 U.S.C. § 924(c)(1)(A)(i), Use, Carry or Possession of a Firearm During and
9 in Relation to a Drug Trafficking Crime; and pursuant to 21 U.S.C. § 881(a)(11), for
10 violation(s) of 21 U.S.C. § 841(a)(1), Distribution of a Controlled Substance:
11 Methamphetamine; and, United States currency, pursuant to 21 U.S.C. § 881(a)(6), for
12 violations of 21 U.S.C. § 841, Distribution of a Controlled Substance:
13 Methamphetamine.

II. THE DEFENDANT(S) *IN REM*

18
19 2. The Defendant property consists United States currency, firearms and
20 ammunition, described as follows:
21

- 22 - \$40,950.00 U.S. currency;
- 23 - Smith & Wesson Model 13 .38 Special Revolver SN: D178161;
- 24 - Taurus Model Rossi .357 Magnum caliber revolver SN: FZ716659;
- 25 - Glock Model 23 .40 caliber pistol, SN VGR677;
- 26 - Smith & Wesson, model MP Shield, 9mm pistol, SN: HLN 2105;
- 27
- 28

- 14 rounds of 30-60 Federal ammunition
 - 50 rounds of 9mm Blazer ammunition
 - 325 rounds of Federal .22 long rifle ammunition
 - 42 rounds of Remington .22 long rifle ammunition
- (hereinafter “Defendant property”).)

III. JURISDICTION AND VENUE

3. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the Defendant property. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

4. This Court has *in rem* jurisdiction over the Defendant property under 28 U.S.C. § 1355(b). Upon the filing of this Complaint, the Plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the Plaintiff will execute upon the property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

5. Venue is proper in this district pursuant to 28 U.S.C. §1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district.

IV. BASIS FOR FORFEITURE

6. Plaintiff repeats and realleges each and every allegation set forth in Paragraphs 1 through 5 above.

9. 21 U.S.C. § 841(a)(1), makes it unlawful for any person to possess with intent to distribute a controlled substance.

11. The Defendant property (\$40,595.00 U.S. currency) is subject to forfeiture to the United States, pursuant to 21 U.S.C. § 881(a)(6), because it represents money used or intended to be used to facilitate violation(s) of 21 U.S.C. § 841(a)(1); and/or it represents proceeds or is traceable to proceeds obtained from such violation.

12. On or about September 21, 2018, Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF)/Border Patrol – Intelligence (BPI), Task Force Officer/Special

1 Agent, David R. Steen (TFO Steen), opened an investigation into Alberto BRAVO-
2 SORIANO for suspected firearm and controlled substance violation(s) based upon his
3 review of reports regarding the execution of state search warrants at BRAVO-
4 SORIANO's residence and storage units.
5

6 13. On or about August 27, 2018, Border Patrol obtained an arrest warrant
7 for Alberto BRAVO-SORIANO based on a violation of 8 U.S.C. § 1326, Alien in the
8 United States After Deportation. *United States v. Alberto Bravo-SORIANO*, Eastern
9 District of Washington Magistrate Court case number 2:18-MJ-00228-JTR.
10

11 14. On or about August 29, 2018, Border Patrol agents (BPA) and Adams
12 County Sheriff's Office (ACSO) officers went to BRAVO-SORIANO's residence
13 located at 2131 West Moon Road, in Othello, Washington, to execute the federal
14 arrest warrant.
15

16 15. Upon arrival at the residence, officers knocked on the door and spoke to
17 BRAVO-SORIANO's wife, Adulfa ROMERO LOPEZ. Officers advised ROMERO
18 LOPEZ that they needed to speak to BRAVO-SORIANO. He was not at the residence
19 when law enforcement first arrived. BRAVO-SORIANO pulled up to the residence in
20 a gray van as officers were talking to ROMERO LOPEZ. After BRAVO-SORIANO
21 exited the vehicle, BPA Flood arrested him pursuant to the federal arrest warrant.
22

23 16. BPA Flood read BRAVO-SORIANO his Miranda rights in the Spanish
24 language, as witnessed by ACSO Deputy Yount. BRAVO-SORIANO indicated he
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1 was willing to speak without a lawyer present, in the presence of both BPA Floods
2 and ACSO Deputy Yount.

3 17. BPA Lyons then questioned BRAVO-SORIANO, while ACSO Deputy
4 Yount translated from the English to Spanish language. BRAVO-SORIANO was
5 asked about controlled substances located inside the residence. BRAVO-SORIANO
6 stated he had methamphetamine and heroin in his dresser drawer, in his bedroom.
7

8 18. BRAVO-SORIANO remained in the backseat of a patrol vehicle, while
9 ACSO Sergeants Garcia, Solano and Deputies Yount and Phillips entered the
10 residence with ROMERO-LOPEZ. Deputy Solano reported during the search
11 ROMERO-LOPEZ sat in the living room and at no time restricted or revoked the
12 consent search. ACSO Deputy Phillips found what appeared to be a small amount of
13 black tar wrapped in tin foil and a small amount of white powdery substance, located
14 in a small organizer sitting on top of a dresser in the bedroom. ACSO Phillips used a
15 Narcotics Identification Kit (“NIK”) to test the black tar substance, which tested
16 presumptively positive for heroin. ACSO Phillips utilized a NIK to test the white
17 powdery substance, which tested presumptively positive for cocaine.
18

19 19. ACSO Sergeant Garcia applied for and was granted a state search warrant
20 for the residence. Subsequent to the execute of the state search warrant, several items
21 were seized, to include the following:
22

23 1) A Black AT&T cellular phone (flip-style), model;
24

25 2) Approximately 128 gross grams of a suspected methamphetamine;
26

- 1 3) Approximately 29 gross grams of suspected heroin;
- 2 4) Approximately 0.1 gross ounce of suspected cocaine;
- 3 5) Smith & Wesson, model M&P Shield, 9mm pistol, serial number:
- 4 HLN2105 (loaded with 14, 9 mm ammunition);
- 5
- 6 6) Three scales;
- 7
- 8 7) \$31,551.00 in cash; and,
- 9 8) Keys later determined to belong to Sun Basin Storage.

10 20. The 9mm pistol was reportedly located in the master bedroom closet next
11 to an item described as a “tar-like substance”. Additional items found in the master
12 bedroom closet were described as “Tupperware w/ large crystal like substance,”
13 “small baggy w/ crystal like substance,” and “large crystal like substance”.

15 21. Both BRAVO-SORIANO and ROMERO-LOPEZ were transported to
16 the ACSO substation in Othello, Washington, prior to the execution of the state search
17 warrant.
18

19 22. At the Substation, ACSO Deputy Garcia advised ROMERO-LOPEZ of
20 her Miranda rights. ROMERO-LOPEZ indicated she was willing to speak without a
21 lawyer present by signing an ACSO Miranda Rights Card; as witnessed by both
22 ACSO Deputy Yount and BPA Lyons. ROMERO-LOPEZ initially denied having
23 knowledge of BRAVO-SORIANO’s involvement in drug trafficking.
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1 23. ACSO Sergeant Garcia again advised BRAVO-SORIANO of his
2 Miranda rights. BRAVO-SORIANO indicated he was willing to speak without a
3 lawyer present by signing an ACSO Miranda Rights Card. BRAVO-SORIANO stated
4 upon a search of the residence, many items would be found to include:
5 methamphetamine in a transparent Tupperware plastic container, small bags, and a
6 digital scale. BRAVO-SORIANO stated he was a user of both methamphetamine and
7 cocaine, because it kept him going when he worked in the fields. BRAVO-SORIANO
8 stated he tries to sell the methamphetamine three ounces at a time, for \$250.00 per
9 ounce. BRAVO-SORIANO stated he sold three ounces of methamphetamine a few
10 weeks prior to Juan Omar GONZALEZ for \$750.00. BRAVO-SORIANO stated he
11 made about \$2,000.00 per month selling controlled substances.
12

13 24. ACSO Sergeant Garcia then interviewed ROMERO-LOPEZ. During this
14 interview, ROMERO-LOPEZ admitting to having knowledge BRAVO-SORIANO
15 had been dealing drugs for a few years.
16

17 25. ACSO Deputy Yount made contact with BRAVO-SORIANO in a Border
18 Patrol Vehicle. BRAVO-SORIANO advised he remembered his Miranda rights, and
19 was willing to speak with ACSO Deputy Yount. BRAVO-SORIANO stated he
20 purchased the pistol two months prior from "Cholio" for \$350.00. BRAVO-
21 SORIANO stated Cholio told him the pistol was stolen. BRAVO-SORIANO stated he
22 had the pistol for protection.
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1 26. Both BRAVO-SORIANO and ROMERO-LOPEZ were transported to
2 the Spokane Border Patrol Sector for further processing of immigration charges.

3 27. On August 30, 2018, ACSO Deputy Hampton was told by the manager of
4 Sun Basin Storage, units 105 and 137 were initially rented to BRAVO-SORIANO, but
5 were later put in ROMERO-LOPEZ's name.
6

7 28. ACSO Deputy Hampton, applied for and was granted a state search
8 warrant to search Sun Basin Storage, units 97, 105 and 137.
9

10 29. Subsequent to the search of unit 97, several items were seized, to include
11 the following:
12

- 13 - \$40,950.00 U.S. currency;

14 Subsequent to the search of unit 105, several items were seized, to include the
15 following:
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- 17 - Several rounds of .22 caliber, 9mm, and 30-06 caliber ammunition;
18 - Approximately 439 gross grams of a suspected heroin;

19 29. Subsequent to the search of unit 137, several items were seized, to
20 include the following:
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- 22 - Several rounds of .22 caliber, and .38 caliber ammunition;
23 - Rossi, .357 magnum caliber revolver bearing serial number: FZ716659;
24 - Glock, model 23, .40 caliber pistol, bearing serial number: VGR677;
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26 VI. CONCLUSION
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1 WHEREFORE, the Plaintiff requests that the Court issue a warrant of arrest *in*
2 *rem* for the arrest and seizure of the Defendant property described herein; that notice
3 of this action be given to all persons who reasonably appear to be potential claimants
4 of interests in the property; that the Defendant property be forfeited and condemned to
5 the United States of America; that the Plaintiff be awarded its costs and disbursements
6 in this action; and for such other and further relief as this Court deems proper and just.
7

8
9 DATED this 25th day of January 2019.

10 Joseph H. Harrington
11 United States Attorney

12 s/Brian M. Donovan
13 Brian M. Donovan
14 Assistant United States Attorney

15 VERIFICATION

16 I, David R. Steen, hereby verify and declare under penalty of perjury that I am a
17 Task Force Officer/Special Agent with the Bureau of Alcohol, Tobacco, Firearms and
18 Explosives/Border Patrol - Intelligence, in Spokane, Washington, that I have read the
19 foregoing Verified Complaint *in rem* and know the contents thereof, and that the
20 matters contained in the Verified Complaint are true to my own knowledge, except
21 that those matters herein stated to be alleged on information and belief and as to those
22 matters I believe them to be true.
23
24

25 The sources of my knowledge and information and the grounds of my belief are
26 the official files and records of the United States, information supplied to me by other
27 law enforcement officers, as well as my investigation of this case, together with
28 VERIFIED COMPLAINT FOR FORFEITURE *IN REM* 10

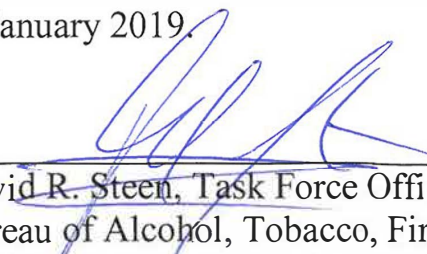
VERIFICATION

I, David R. Steen, hereby verify and declare under penalty of perjury that I am a Task Force Officer/Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives/Border Patrol - Intelligence, in Spokane, Washington, that I have read the foregoing Verified Complaint *in rem* and know the contents thereof, and that the matters contained in the Verified Complaint are true to my own knowledge, except that those matters herein stated to be alleged on information and belief and as to those matters I believe them to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Task Force Officer/Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives/Border Patrol - Intelligence.

I hereby verify and declare under penalty of perjury that the foregoing information is true and correct.

DATED this 25 day of January 2019.



David R. Steen, Task Force Officer/Special Agent
Bureau of Alcohol, Tobacco, Firearms
and Explosives/Border Patrol - Intelligence

JS 44 (Rev. 08/18)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America,

(b) County of Residence of First Listed Plaintiff _____

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

Four firearms from various manufacturers, makes, models and assorted calibers, and 431 rounds of assorted ammunition, and \$40,950.00 U.S. currency

County of Residence of First Listed Defendant Adams

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions](#).

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
		IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
21 U.S.C. § 881, 18 U.S.C. § 924(d)Brief description of cause:
civil forfeiture of property for controlled substance and firearm violations**VII. REQUESTED IN COMPLAINT:**
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

01/25/2019

SIGNATURE OF ATTORNEY OF RECORD

Brian M. Donovan, AUSA

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____